



# Department of Pesticide Regulation



Mary-Ann Warmerdam  
Director

Arnold Schwarzenegger  
Governor

March 16, 2007

PML 07-01

TO: County Agricultural Commissioners

SUBJECT: ASSEMBLY BILL 2865 ADDS PRIVATE CHILD DAY CARE FACILITIES TO  
THE HEALTHY SCHOOLS ACT OF 2000

The Governor signed Assembly Bill 2865, Torrico, School Safety, into law effective January 1, 2007.

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**Background**

This new law amends the Healthy Schools Act of 2000 (HSA) to require private child day care facilities (excluding family day care homes)<sup>1</sup> to comply with the same notification, pesticide recordkeeping, and reporting requirements that currently apply to kindergarten through grade twelve public schools and public child day care facilities.

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**Amendments to  
the Education  
and Health and  
Safety Codes**

The new law amended the Education Code sections 17609, 17610, 17610.1, and 17612, and the Health and Safety Code sections 1596.794 and 1596.845. These sections are not enforceable by county agricultural commissioner staff; therefore, details have not been provided in this letter.

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<sup>1</sup>“Child day care facility” means a facility that provides nonmedical care to children less than 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers (infant centers, preschools, extended day care facilities, and school-age child care centers), employer-sponsored child care centers, and family day care homes. “Family day care home” means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away.



**Amendments to  
the Food and  
Agricultural  
Code**

However, the new law also amends the Food and Agricultural Code (FAC). Changes in FAC are summarized in the table below.

<b>Amended FAC section . . .</b>	<b>Now . . .</b>
13181	Expands integrated pest management (IPM) to apply to private child day care facilities as well as public schools and public child day care facilities.
13183	Provides specifics on how the Department of Pesticide Regulation (DPR) is to promote and facilitate voluntary adoption of IPM at child day care facilities.
13185	Instructs DPR on its outreach efforts to child day care facilities.
13186	<ul style="list-style-type: none"><li>• Requires pest control businesses (contractors) to report the use of pesticides at child day care facilities on a prescribed form to the Director of DPR at least yearly. This expands the original reporting requirement for public schools and public child day care facilities.</li><li>• Directs child day care facilities to inform pest control businesses (contractors) that the facility must comply with statutes enacted under HSA.</li><li>• Requires pest control businesses to provide 120-hour (5 days) notice to the child day care facility's school designee that a pesticide application is planned at their facility.</li><li>• Details the information to be provided in the notice.</li><li>• Requires property owners or agents to notify pest control businesses (contractors) that a child day care facility is being operated on the property.</li></ul>

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**More  
information**

Enclosed you will find the letter sent to DPR licensees.

The enclosed Table of Responsibilities outlines what HSA requires of pest control businesses (referred to in legislation as contractors), property owners, schools, and operators of private child day care facilities (excluding family day care homes).

The complete text of Assembly Bill 2865 (Chapter 865, Statutes of 2006) can be found at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_2851-2900/ab\\_2865\\_bill\\_20060930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2851-2900/ab_2865_bill_20060930_chaptered.pdf).

Please see DPR's fact sheet (available in English and Spanish), entitled "What You Need to Know About the Healthy Schools Act and Child Care Facilities," at [http://www.schoolipm.info/daycare/ab2865\\_faq.pdf](http://www.schoolipm.info/daycare/ab2865_faq.pdf).

Visit our child day care IPM home page at <http://www.schoolipm.info/daycare/main.cfm> for more information about pest management and child day care IPM.

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**Contact  
information**

If you have any questions about these amendments, please contact Dr. Madeline Brattesani, of my staff, at (916) 324-4082 or e-mail her at [mbrattesani@cdpr.ca.gov](mailto:mbrattesani@cdpr.ca.gov).

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Sincerely,

*original signed by*

David Duncan, Chief  
Pest Management and Licensing Branch  
(916) 445-3870

Enclosures:

[Assembly Bill 2865 Adds Private Child Day Care Facilities to Healthy Schools Act of 2000](#)  
(PDF, 51 kb)

[Table of Responsibilities](#) (PDF, 14 kb)

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cc: Dr. Madeline Brattesani, DPR Senior Environmental Research Scientist (w/Enclosures)  
Mr. James Shattuck, DPR Agricultural Commissioner Liaison (w/Enclosures)